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**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X  
ONEWEST BANK N.A., CIT BANK,

Plaintiff,

-against-

MEMORANDUM & ORDER  
15-CV-4395 (JS) (ARL)

ELLEN M. ELLIOTT, KEYHOLE CAPITAL-  
FUND V, PORTFOLIO RECOVERY ASSOCIATES,  
LLC, and JOHN DOES 1-10,

Defendants.

-----X  
APPEARANCES

For Plaintiff:           Rachel Beth Drucker, Esq.  
                             Robert G. Wilk, Esq.  
                             Windels Marx Lane & Mittendorf, LLP  
                             156 West 56th Street  
                             New York, NY 10019

For Defendant

Ellen M. Elliot:         Enza M. Brandi, Esq.  
                             The Enza Brandi Law Firm, PLLC  
                             33 Walt Whitman Road, Suite 203  
                             Huntington, NY 11746

Keyhole Capital:         Adam J. Friedman, Esq.  
                             Pulvers, Pulvers, Thompson & Friedman, LLP  
                             950 Third Ave., 11th Fl.  
                             New York, NY 10022

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Arlene R. Lindsay's Report and Recommendation ("R&R"), recommending that this Court deny defendant Ellen M. Elliott's ("Defendant" or "Elliot") motion to dismiss this action for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2).

(Docket Entry 28.) For the following reasons, the Court ADOPTS Judge Lindsay's R&R in its entirety.

BACKGROUND

Plaintiff OneWest Bank N.A. ("Plaintiff") commenced this action on July 28, 2015 against defendants Elliot; Keyhole Capital-Fund V; Portfolio Recovery Associates LLC; and John Does 1 through 10. Plaintiff sought to foreclose on two mortgages encumbering property located at 167 Soundview Drive, Montauk, New York (the "Soundview Property"). (R&R at 1.)

On September 4, 2015, Elliott moved to dismiss this case for lack of personal jurisdiction, arguing that she was not properly served with the Summons and Complaint. (Docket Entry 15.) On April 12, 2016, the undersigned referred Elliott's motion to Judge Lindsay for an R&R on whether the motion should be granted, (Docket Entry 27), and on May 23, 2016, Judge Lindsay issued her R&R recommending that the Court deny Elliott's motion. (R&R at 1, 7.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b) (1) (C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face

of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Lindsay's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

#### CONCLUSION

Judge Lindsay's R&R (Docket Entry 28) is ADOPTED in its entirety and Elliot's motion to dismiss (Docket Entry 15) is DENIED.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: July 8, 2016  
Central Islip, New York